

DECLARATION

As a below named inventor, I hereby declare that: my residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM, MACHINE, AND METHOD FOR MAINTENANCE OF MIRRORED DATASETS THROUGH SURROGATE WRITES DURING STORAGE-AREA NETWORK PARTIAL CONNECTIVITY EVENTS

as described in the specification ☒ attached or ☐ of patent Application Serial No. _____
filed _____ and amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by an amendment referred to above; that I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application; that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months prior to this application; and that I acknowledge the duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations ' 1.56(a). Such information is material when it is not cumulative to information already of record or being made of record in the application, and

- (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) it refutes, or is inconsistent with, a position the applicant has taken or may take in:
 - (i) opposing an argument of unpatentability relied on by the Office, or
 - (ii) asserting an argument of unpatentability.

I hereby claim foreign priority benefits under Title 35, United States Code ' 119 of any foreign application(s) for patent or inventor's certificates listed below and have also identified below any foreign application(s) having a filing date before that of the application(s) on which priority is claimed:

| COUNTRY | APPLICATION NUMBER | Date Filed | Priority Claimed under 35 USC 119 |
|---------|--------------------|------------|--|
| | | | <input type="checkbox"/> YES <input type="checkbox"/> NO |

I hereby claim the benefit under Title 35 United States Code ' 120 of any United States application(s) listed below and, insofar as any subject matter of any claim of this application is not disclosed in the prior United States Application, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations ' 1.56(a) which occurred between the filing date of the prior application and the national PCT international filing date of this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | |
|--|--|------------------------|----------|
| FULL NAME OF SOLE OR FIRST INVENTOR | | INVENTOR'S SIGNATURE | DATE |
| Greg Pellegrino | | <i>Greg Pellegrino</i> | 11/01/00 |
| RESIDENCE | | CITIZENSHIP | |
| 19227 Cougar Peak Drive, Tomball, TX 77375 | | USA | |
| POST OFFICE ADDRESS | | | |
| Same | | | |
| FULL NAME OF SECOND JOINT INVENTOR | | INVENTOR'S SIGNATURE | DATE |
| Thomas Grieff | | <i>Thomas Grieff</i> | 11/01/00 |
| RESIDENCE | | CITIZENSHIP | |
| 11100 Louetta Road #324, Houston, TX 77070 | | USA | |
| POST OFFICE ADDRESS | | | |
| Same | | | |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant/Patentee:

Greg Pellegrino and Thomas Grieff

Serial No.: -----

Date Filed: Herewith

Attorney File No.: 68854.0152

Digital Docket No.: P00-3251

For: SYSTEM, MACHINE, AND METHOD FOR
MAINTENANCE OF MIRRORED DATASETS THROUGH
SURROGATE WRITES DURING STORAGE-AREA
NETWORK PARTIAL CONNECTIVITY EVENTS

POWER OF ATTORNEY BY ASSIGNEE

Under the provisions of 37 C.F.R. § 3.71, the undersigned assignee of record of the entire interest in the above-identified patent/patent application by virtue of an assignment recorded (check as applicable):

☒ Concurrently Herewith
☐ Date Recorded _____
☐ Reel _____ Frame _____

elects to conduct the prosecution of the application/maintenance of the patent to the exclusion of the inventor(s). The undersigned hereby declares that she has reviewed the above-referenced assignment and hereby declares that, to the best of her knowledge, title is in the Assignee, and further declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true. The assignee hereby revokes any previous powers of attorney and appoints the following to prosecute this application/maintain this patent and transact all business in the Patent and Trademark Office connected therewith:

(Prosecuting Attorney List)

Irene Kosturakis, Reg. No. 33,724
Rich Lange, Reg. No. 27,296
Louis Brucculeri, Reg. No. 38,834
Sarah T. Harris, Reg. No. 35,891
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Stuart T. Langley, Reg. No. 33,940
Carol W. Burton, Reg. No. 35,465
Steven Kent Barton, Reg. No. 36,445
E. Michael Byorick, Reg. No. 34,131
Matthew G. Dyor, Reg. No. 42,278
Steven C. Petersen, Reg. No. 36,238
Sarah S. O'Rourke, Reg. No. 41,226
Kent A. Lembke, Reg. No. 44,866

Please direct all communications relative to this application to the following addressee:

WILLIAM J. KUBIDA
Hogan & Hartson LLP
One Tabor Center
1200 17th Street, Suite 1500
Denver, Colorado 80202
(719) 448-5909

ASSIGNEE**COMPAQ COMPUTER CORPORATION**Date: 01 NOV 2000BY: Diane H. Strong

NAME: Diane H. Strong

TITLE: Administrator, Patents

Authorized To Sign This Document On Behalf Of Compaq Computer Corp.

RECORDATION FORM COVER SHEET
PATENTS ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

☒ New

☐ Resubmission Document ID# (Non-Recordation)

☐ Correction of PTO Error
Reel # Frame #

☐ Corrective Document
Reel # Frame #

Conveyance Type

☒ Assignment ☐ Security Agreement

☐ License ☐ Change of Name

☐ Merger ☐ Other

U.S. Government
(For Use ONLY by U.S. Government Agencies)
☐ Departmental File ☐ Secret File

Conveying Party(ies)

☐ Mark if additional names of conveying parties attached

| | | |
|---------------|---|---|
| Name (line 1) | <input type="text" value="Pellegrino, Greg"/> | Execution Date Month Day Year <input type="text" value="11/01/00"/> |
| Name (line 2) | <input type="text"/> | |
| Second Party | | |
| Name (line 1) | <input type="text" value="Grieff, Thomas"/> | Execution Date Month Day Year <input type="text" value="11/01/00"/> |
| Name (line 2) | <input type="text"/> | |

Receiving Party

☐ Mark if additional names of receiving parties attached

| | | | |
|------------------|--|---|---|
| Name (line 1) | <input type="text" value="Compaq Computer Corporation"/> | | <input type="checkbox"/> If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment) |
| Name (line 2) | <input type="text" value="a Delaware corporation"/> | | |
| Address (line 1) | <input type="text" value="20555 S.H. 249"/> | | |
| Address (line 2) | <input type="text" value="Mail Stop 110701"/> | | |
| Address (line 3) | <input type="text" value="Houston"/> | <input type="text" value="Texas/U.S.A."/> | |
| | <input type="text" value="77070-2798"/> | | |
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Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

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Correspondent Name and Address

Area Code and Telephone
Number

(719) 448-5909

Name (line 1) William J. Kubida, Esq.

Address (line 1) Hogan & Hartson LLP

Address (line 2) 1200 17th Street, Suite 1500

Address (line 3) Denver, CO 80202

Address (line 4)

Pages

Enter the total number of pages of the attached
conveyance document including any attachments

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5

Application Number(s) or Patent Number(s)

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Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

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Patent Number(s)

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If this document is being filed together with a new Patent Application, enter the
date the patent application was signed by the first named executing inventor.

Month Day Year

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Patent Cooperation Treaty (PCT)

Enter PCT application
number only if a U.S.Application Number has not
been assigned

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Number of Properties

Enter the total number of properties
involved

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Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$

40.00

Method of payment:
Deposit AccountEnclosed ☒Deposit Account ☐(Enter for payment by deposit account or if additional fees can be charged to the
account.)

Deposit Account Number:

#

50-1123

Authorization to charge additional fees:

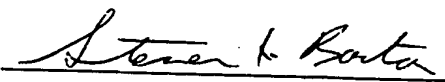
Yes ☒No ☐

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached
copy is a true copy of the original document. Charges to deposit account are authorized, as indicated
herein.

Steven K. Barton, 36,445

Name of Person Signing



Signature

6 Nov 2000

Date

ASSIGNMENT

WHEREAS, We, Greg Pellegrino and Thomas Grieff, are joint inventors of "SYSTEM, MACHINE, AND METHOD FOR MAINTENANCE OF MIRRORED DATASETS THROUGH SURROGATE WRITES DURING STORAGE-AREA NETWORK PARTIAL CONNECTIVITY EVENTS", application for United States Letters Patent which is executed of even date herewith; and

WHEREAS, COMPAQ COMPUTER CORPORATION, a corporation created and existing under and by virtue of the laws of the State of Delaware, is desirous of acquiring the entire right, title and interest in and to the aforesaid invention throughout the world, and all right, title and interest in, to and under any and all Letters Patent of the United States and all other countries throughout the world;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, we hereby sell, assign, transfer and set over to COMPAQ COMPUTER CORPORATION, all right, title and interest in and to the said invention throughout the world, and said application for U.S. Letters Patent, and any and all divisions, continuations, and reissues thereof, and any and all Letters Patent of the United States and foreign countries which may be granted therefor, the same to be held and enjoyed by COMPAQ COMPUTER CORPORATION for its own use and benefit, and for the use and benefit of its successors, assigns, or other legal representatives, to the end of the term or terms for which said Letters Patent of the United States or foreign countries are or may be granted or reissued, as fully and entirely as the same would have been held and enjoyed by us if this assignment and sale had not been made.

And we hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all Letters Patent of the United States on said invention or resulting from said application and from any and all divisions, continuations, and reissues thereof, to COMPAQ COMPUTER CORPORATION, as assignee of our entire interest, and hereby covenant that we have the full right to convey the entire interest herein assigned, and that we have not executed and will not execute any agreement in conflict herewith.

And we further hereby covenant and agree that we will, at any time, upon request, execute and deliver any and all papers that may be necessary or desirable to perfect the title of said invention and to such Letters Patent as may be granted

therefor, to COMPAQ COMPUTER CORPORATION, its successors, assigns, or other legal representatives and that if COMPAQ COMPUTER CORPORATION, its successors, assigns or other legal representatives shall desire to file any divisional or continuation applications or to secure a reissue of such Letters Patent, or to file a disclaimer relating thereto, will upon request, sign all papers, make all rightful oaths and do all lawful acts requisite for the filing of such divisional or continuation application, or such application for reissue and the procuring thereof, and for the filing of such disclaimer, without further compensation but at the expense of said assignee, its successors, or other legal representatives.

And we do further covenant and agree that we will, at any time upon request, communicate to COMPAQ COMPUTER CORPORATION, its successors, assigns or other legal representatives, such facts relating to said invention and Letters Patent or the file history thereof as may be known to us, and testify as to the same in any interference or other litigation when requested so to do, without further compensation but at the expense of said assignee, its successors, or other legal representatives.

EXECUTED THIS 1 day of November, 2000



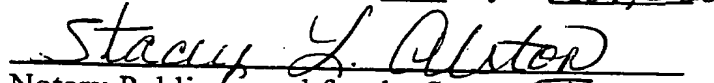
Greg Pellegrino

STATE OF TEXAS
COUNTY OF HARRIS

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BEFORE ME, the undersigned authority, on this day personally appeared Greg Pellegrino, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office this 1st day of Nov, 2000



Notary Public in and for the State of TEXAS



EXECUTED THIS 1 day of November, 2000

Thomas Grieff
Thomas Grieff

STATE OF TEXAS
COUNTY OF HARRIS

§
§

BEFORE ME, the undersigned authority, on this day personally appeared Thomas Grieff, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND and seal of office this 1st day of Nov. 2000

Stacey L. Alston
Notary Public in and for the State of TEXAS

